

MEMBERS PRESENT:

Laurie A. Boivin, Tribal Chairwoman
Randal Chevalier
Lynnette A. Miller
Myrna R. Warrington
Lisa S. Waukau
Bruce J. Pecore
Kenneth A. Fish
Rebecca D. Alegria

MEMBERS ABSENT:

David A. Miller – (*Excused Absence*)

1. Call to Order – Roll Call.

Chairwoman Boivin called the regular meeting of the Menominee Tribal Legislature to order at 5:00 P.M. Roll call was taken and a quorum was present.

2. Menominee Prayer.

Legislator Chevalier said the Menominee Prayer in the Menominee Language.

3. Public Comment Period.

Tribal member Richie Plass requested to make a public comment regarding the use of the name and image of “*Chief Oshkosh*” by the Mayor of Oshkosh in his tavern, “*Old Oshkosh*.”

MOTION BY REBECCA ALEGRIA TO FORMULATE A RESOLUTION REGARDING THE USAGE OF CHIEF OSHKOSH INCLUDING NAME AND IMAGE IN A DRINKING ESTABLISHMENT OR WITH ANYTHING RELATED TO ALCOHOL FOR TONIGHT’S “OTHER BUSINESS” AGENDA. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

MOTION BY LISA WAUKAU THAT WE DIRECT LEGAL COUNSEL TO LOOK INTO THE OPPORTUNITY OR POSSIBILITY OF ENJOINING THIS ESTABLISHMENT FROM USING CHIEF OSHKOSH’S IMAGE, NAME, AND ANY NAMING OF THIS FACILITIES ESTABLISHMENT FOR THE NEXT MEETING. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

Tribal member Joann Gauthier requested to make public comments regarding “Tribal Code Implementation.”

Tribal Elder Frieda Bergeon requested to make a public comment regarding “Constitutional Issues/Concerns.”

Legislator Fish agreed with Mrs. Bergeon’s comment and request realizing that the Legislature set rules to eliminate names from the newspaper, but at the same time he feel that the rules should be amended to reflect a synopsis of the tribal members public comment. The community needs to hear the variation of thoughts by tribal members, and by not printing their comments is a disservice to the tribal members.

Chairwoman Boivin reminded MTL that everyone voted for the revisions made to the Legislative Rules of Procedure that the minutes printed would only reflect the tribal members name and topic only, and that is what we have been doing. If the Legislature wants more of a synopsis to go back into them, the LRP’s will have to be amended again.

MOTION BY KENNETH FISH THAT THE LEGISLATIVE RULES OF PROCEDURE’S PUBLIC COMMENT RULE SHOULD BE CHANGED TO DO MORE OF A NARRATIVE OF WHAT THE TRIBAL MEMBERSHIP COMES HERE TO COMMENT ON AT THE NEXT LEGISLATURE MEETING AGENDA. SECOND WAS MADE BY REBECCA ALEGRIA. THE MOTION CARRIED: 6 FOR, 1 OPPOSED (WAUKAU), 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

PLEASE NOTE: Legislator Waukau qualified her opposition as follows: “we spent an awful lot of time on the Legislative

Rules of Procedure, we passed them fair and square, and I'm just opposed on bringing those back in the middle of the Legislative year."

Tribal member Audrey O'Kimosh requested to make public comments regarding "Traditional Burial Grounds."

Chairwoman Boivin invited Audrey to come in and see her some time next week at her convenience to discuss this issue further, and to make sure she is provided with the copies of documents that she is requesting.

4. 1ST Consideration of Amendment to Ordinance No. 89-02 & 96-01 Canceling Residential Lease Requests to Tribal Members.

MOTION BY REBECCA ALEGRIA FOR APPROVAL OF 1ST CONSIDERATION OF MENOMINEE TRIBAL AMENDMENT TO ORDINANCE NO. 89-02 & 96-01 CANCELING RESIDENTIAL LEASE REQUESTS, AND MOVE IT TO PUBLIC HEARING ON AUGUST 19, 2010 AT 4:30 P.M. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

5. 1ST Consideration of Ordinance No. 10-17 – Residential Lease Requests to Tribal Members.

PLEASE NOTE: *Legislator Alegria left the meeting at 6:16 p.m.*

MOTION BY LYNNETTE MILLER TO APPROVE 1ST CONSIDERATION OF ORDINANCE NO. 10-17 (RESIDENTIAL LEASE REQUEST), AND SEND IT TO PUBLIC HEARING ON AUGUST 19, 2010 AT 4:30 P.M. SECOND WAS MADE BY RANDAL CHEVALIER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (D. MILLER & ALEGRIA).

PLEASE NOTE: *Legislator Alegria returned at 6:18 p.m.*

6. 1ST Consideration of Ordinance No. 10-18 – Recreational Lease Requests to Tribal Members.

MOTION BY RANDAL CHEVALIER FOR 1ST CONSIDERATION OF ORDINANCE NO. 10-18 RECREATIONAL LEASE REQUEST, AND SEND TO PUBLIC HEARING ON AUGUST 19, 2010 AT 4:30 P.M. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

7. 10-Day Waiver Request(s).

There were no 10-day waiver request(s) made at this time.

8. Menominee Language & Culture Code Commission Recommendation of July 13, 2010 – Approve One-Year Provisional Certification.

MOTION BY REBECCA ALEGRIA TO APPROVE THE RECOMMENDATION FROM THE MENOMINEE LANGUAGE AND CULTURE COMMISSION (JULY 13, 2010) FOR A ONE YEAR PROVISIONAL CERTIFICATION FOR KATINEE SHAWANOKASIC. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

9. Road Safety Audit – Sandy Stankevich, WisDOT Civil Engineer.

Alyssa Macy, (State Wide Tribal Liaison for WisDOT); Jeff Bagdad (OPUS International Consultants); and Chris Dreys (Traffic Engineer for Rhinelander Office WisDOT replaced Sandy Stankevich due to a personal family matter); and Warren Warrington, Tribal Police.

The Tribal Transportation program was first initiated in 2009 as a result of a survey conducted by the College of Menominee Nation (CMN) in their roles as the facilitator for the Tribal Task Force to identify issues and concerns that the Tribe's wanted the Road's Audit to present.

The Roads Safety was funded here on the reservation in 2009 to be able to retrieve the data required of the Tribal Task Force. The goal was to address safety concerns on the Menominee Indian Reservation, especially hwy. 47-55, and they feel that they have reached that goal with the agreement entered into between the Menominee Indian Tribe of WI to access crash data. This is a unique agreement that any State Transportation Department Authority currently holds with non-280 Tribes, and is what enabled them to complete their Roads Safety Audit. The goal was to identify safety issues and correct them. There has been four (4) Road Audits conducted in the State of Wisconsin and those being: Menominee, Lac du Flambeau, Mole Lake, and Lac Courte Oreille.

10. Appointments to Community Funding Review and Selection Panel.

The Tribal Legislature voted via ballots for the following recipients: *Debra Bowman* 5 votes; *David Waupoose* 5 votes, and *Leah Pamonicutt* 4 votes. *Debra Bowman and David Waupoose* was unanimously nominated for a one (1) year term to the Community Funding Review and Selection Panel.

MOTION BY RANDAL CHEVALIER TO APPOINT DEBRA BOWMAN AND DAVID WAUPOOSE TO THE COMMUNITY FUNDING REVIEW AND SELECTION PANEL (A ONE-YEAR TERM – AUGUST 5, 2011). SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

11. Appointments to Menominee Tribal Gaming Commission.

The Tribal Legislature voted via ballots for the following recipients: *Leah Pamonicutt* 5 votes; *Michele Reed* 5 votes, and *Susan Waukau* 4 votes. *Leah Pamonicutt and Michele Reed* was unanimously nominated for a three (3) year term to the Menominee Tribal Gaming Commission.

MOTION BY REBECCA ALEGRIA TO APPOINT MICHELE REED AND LEAH PAMONICUTT TO THE MENOMINEE TRIBAL GAMING COMMISSION FOR A THREE-YEAR TERM. (AUGUST 5, 2010 – AUGUST 5, 2013). SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 1 ABSTENTION (L. MILLER), AND 1 ABSENT (D. MILLER).

PLEASE NOTE: Legislator L. Miller qualified her abstention as follows: “*Place of work.*”

12. Bid Recommendation for the Neopit Wastewater System Improvement.

MOTION BY RANDAL CHEVALIER TO CONCUR WITH THE RECOMMENDATION OF THE BID EVALUATION TEAM TO AWARD THE NEOPIT WASTEWATER SYSTEM IMPROVEMENTS PROJECT TO HOWARD BROTHERS, INCORPORATED AS BID FOR \$2,229,916. SECOND WAS MADE BY LYNNETTE MILLER.

MOTION BY REBECCA ALEGRIA TO AMEND THE MOTION TO INCLUDE TWO (2) ADDITIONAL MENOMINEE CONTRACTORS AND TWO (2) ADDITIONAL QUALIFIED MENOMINEE TO BE FLAG PEOPLE. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

13. Approval of Menominee Fuel Station: 1) FY’ 2011 Budget; 2) ByLaws; & 3) Post to Fill Vacant Seat.

1) FY’ 2011 Budget;

Chairwoman Boivin informed MTL that this was listed on the agenda incorrectly, and it is not to approve FY’ 2011 Budget, but to approve the budget modification required to carry out FY’ 10.

MOTION BY MYRNA WARRINGTON TO APPROVE THE BUDGET MODIFICATION IN THE AMOUNT OF \$11,843.01 FOR THE MENOMINEE FUEL STATION (FY’ 10). SECOND WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 4 FOR, 3 OPPOSED (FISH, WARRINGTON, & PECORE), 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

PLEASE NOTE: Legislator Pecore qualified his opposition for the record as follows: “*I’m opposed due to the fact Shawn*

Klemens is not here to really to give us all the information, maybe we'd have a little bit better knowledge of what's going on, and I don't understand why some of the things going on are happening."

Legislator Warrington qualified her opposition as follows: *"there wasn't enough information as far as the modification if it was an increase in the budget or just a movement of line items."*

Legislator Fish qualified his opposition as follows: *"there's just no information here that justifies the justification you don't know where the monies going or where it's coming from."*

2) ByLaws; &

MOTION BY REBECCA ALEGRIA TO TABLE THE BY-LAWS OF THE MENOMINEE FUEL STATION CHARTER UNTIL THE NEXT MEETING. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 5 FOR, 2 OPPOSED (CHEVALIER & WARRINGTON), 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

PLEASE NOTE: Legislator Chevalier qualified his opposition as follows: *"they're a Charter, and I don't know why we're even approving their ByLaws anyway? I don't know why we don't just concur with this motion, if it's in your Charter to just pass our own ByLaws I don't know why it's even here, why don't we just concur with it?"*

Legislator Warrington qualified her opposition as follows: *"same thing; if it's here why don't we just approve them?"*

3) Post to Fill Vacant Seat.

Llewellyn "Lew" Boyd informed MTL that Mary Wayka verbally resigned from the Menominee Fuel Station Board due to her physical limitations. The Legislature requested Mr. Boyd to get a signed resignation, and that the posting would be contingent upon receiving a signed resignation from Mrs. Wayka.

MOTION BY LISA WAUKAU TO POST FOR ONE (1) MENOMINEE FUEL STATION BOARD MEMBER TO FILL THE SEAT VACATED BY MARY WAYKA CONTINGENT UPON RECEIVING A WRITTEN RESIGNATION. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

14. Department of Health & Human Services Consultation Request Resulting from Implementation of the EPA's Ground Water Rule.

MOTION BY BRUCE PECORE TO HAVE THE CHAIRWOMAN SIGN THE EPA'S GROUNDWATER RULE LETTER FOR THEM TO PROVIDE COURTESY COPIES. SECOND WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

15. Resolution No. 10-___ Request to Attend Riverside Indian School for Richard Joseph Schreiber Jr.

MOTION BY REBECCA ALEGRIA TO APPROVE RESOLUTION NO. 10-36 REQUEST TO ATTEND RIVERSIDE INDIAN SCHOOL (ANADARKO, OKLAHOMA) FOR RICHARD JOSEPH SCHREIBER JR., WAIVE THE READING, AND AUTHORIZE THE TRIBAL CHAIRWOMAN AND TRIBAL SECRETARY TO SIGN. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

16. Resolution No. 10-___ Easement for the Useful Life of Alliant Energy/WP&L.

MOTION BY RANDAL CHEVALIER FOR ADOPTION OF RESOLUTION NO. 10-37 EASEMENT FOR THE USEFUL LIFE OF ALLIANT ENERGY/WP&L, WAIVE THE READING, AND AUTHORIZE THE SIGNATURES. SECOND WAS MADE BY REBECCA ALEGRIA. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

MOTION BY KENNETH FISH FOR THE MANDATES OF THESE RIGHT OF WAYS OR EASEMENTS WHETHER IT'S MAINTENANCE OR WHETHER IT'S AN RIGHT OF WAY OR EASEMENT IN ITSELF TO DIRECT THE DIRECTOR OF LEGAL SERVICES (WILLIAM KUSSEL JR.) TO COME BACK WITH SOME ALTERNATIVES TO PROTECT THE SOVEREIGN RIGHTS OF THE PROPERTY SO THAT IT COMES BACK TO THE TRIBE IN THE EVENT THAT THOSE ENTITIES GO OUT OF BUSINESS, AND THEY'RE NOT TRANSFERRED TO ANOTHER BUSINESS WITHOUT THE CONSENT OF THE TRIBE. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

17. Resolution No. 10-___ Membership in the Inter-Tribal Buffalo Council (ITBC).

The Legislature discussed the creation of agriculturally farming in terms of providing community gardens, or other food source ventures for our Tribal membership. Some Legislators requested the start date to be January 1, 2011 to be able to get the information from the Inter-Tribal Buffalo Council before paying a membership so late in the year.

MOTION BY REBECCA ALEGRIA TO APPROVE RESOLUTION NO. 10-38 MEMBERSHIP IN THE INTER-TRIBAL BUFFALO COUNCIL (I.T.B.C.) IN THE AMOUNT OF \$500 TO COME OUT OF THE CHAIRMAN'S BUDGET, WAIVE THE READING, AND AUTHORIZE CHAIRWOMAN LAURIE BOIVIN AND TRIBAL SECRETARY LYNNETTE MILLER TO SIGN. SECOND WAS MADE BY KENNETH FISH. THE MOTION CARRIED: 5 FOR, 2 OPPOSED (WAUKAU & PECORE), 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

PLEASE NOTE: Legislator Waukau qualified her opposition as follows: *"we are going to be paying for a dead buffalo here."*

Legislator Pecore qualified his opposition as follows: *"it's just because I think we should wait until the end of the year, I think we could get a lot of preliminary stuff and like Legislator Waukau said if we show interest they're going to give us all the stuff we need, and we'd be ready and prepared for it come the first of January pay the full fee and start attending all their meetings."*

18. Resolution No. 10-___ Request to Place Former Moses Property into Trust.

MOTION BY RANDAL CHEVALIER FOR ADOPTION OF RESOLUTION NO. 10-39 REQUEST TO PLACE FORMER MOSES PROPERTY INTO TRUST, WAIVE THE READING, AND AUTHORIZE THE SIGNATURES WITH CORRECTIONS. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

19. Other Business: Matters of an Immediate Nature that Cannot Wait Until the Next Meeting.

MOTION BY REBECCA ALEGRIA TO ENTERTAIN "OTHER BUSINESS: MATTERS OF AN IMMEDIATE NATURE THAT CANNOT WAIT UNTIL THE NEXT MEETING" AGENDA ITEM NUMBER 19: – 1) REQUEST TO USE THE WAYKA FALLS CAMP SITE; & 2) RESOLUTION NO. 10-40 OPPOSITION TO THE USE OF CHIEF OSHKOSH'S NAME OR LIKENESS IN THE SALE OR MARKETING OF ALCOHOLIC BEVERAGES. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

1) Request to Use the Wayka Falls Campsite; &

MOTION BY RANDAL CHEVALIER TO AUTHORIZE THE USE OF THE WAYKA FALLS CAMPSITE FOR THIS YEAR'S MENOMINEE YOUTH CULTURE CAMP AS REQUESTED. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

2) Resolution No. 10-40 Opposition to the Use of Chief Oshkosh's Name or Likeness in the Sale or Marketing of Alcoholic Beverages.

MOTION BY REBECCA ALEGRIA TO APPROVE MENOMINEE TRIBAL RESOLUTION NO. 10-40 OPPOSITION TO THE USE OF CHIEF OSHKOSH'S NAME OR THE LIKENESS OF HIS IMAGE IN THE SALE, MARKETING, OR PROMOTIONS OF ALCOHOLIC BEVERAGES OR THE CONSUMPTION THEREOF; WAIVE THE READING, AND

AUTHORIZE CHAIRWOMAN LAURIE BOIVIN AND TRIBAL SECRETARY LYNNETTE MILLER TO SIGN WITH CORRECTIONS. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

Tribal members present mentioned that the Legislature should consider other Tribal Leaders in the resolution that have passed onto the spirit world so no one is able to solicit any other Tribal Leader's family name for marketing or profiting purposes.

MOTION BY LISA WAUKAU TO SEND GEORGE KORN'S SUGGESTIONS INCLUDING ALL OF OUR CHIEF'S AND PROMINENT MENOMINEE PEOPLE ISSUE OF PUBLIC DOMAIN TO GOVERNMENTAL AFFAIRS COMMITTEE TO DEVELOP SOME TYPE OF ORDINANCE. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 6 FOR, 1 OPPOSED (CHEVALIER), 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

PLEASE NOTE: Legislator Chevalier qualified his opposition as follows: *"I believe that this issue first needs to be dealt with by Menominee Language Culture Commission and/or the Historic Preservation Department, because that's their area of responsibility."*

Legislator Alegria stated that Historic Preservation is not a Committee, but they could do the research and provide all the information to the Committee.

20. 1ST Consideration of Amendment to Ordinance No. 87-32 – Tribal Zoning Ordinance.

MOTION BY LYNNETTE MILLER TO APPROVE 1ST CONSIDERATION FOR AMENDMENT TO ORDINANCE NO. 87-32 TRIBAL ZONING ORDINANCE AND MOVE IT TO PUBLIC HEARING ON AUGUST 19, 2010 AT 4:30 P.M. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 4 FOR, 3 OPPOSED (FISH, ALEGRIA, & CHEVALIER), 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

PLEASE NOTE: Legislator Fish qualified his opposition for the record as follows: *"forcing Tribal members to remove their Mobile Homes if they are ten (10) years and older would be detrimental to the Tribe right now if this amendment were passed. The Tribe is still not able to afford the Housing needs of the Reservation and we need to look at the standard needs of housing for our people. If the Tribe approves this restriction, will the Tribe be satisfying all the standard needs of living, because there is a lot of them on this Reservation? The Tribe needs to be cautious, because some families that is all they can afford right now. Is the Tribe going to put those families up in sufficient housing? The Tribe really needs to think what they'll be implementing if this is approved at final adoption. A lot of tribal members live off the Reservation, because they have sufficient housing off the Reservation, which is lacked on the Reservation. If a Tribal member can keep their lot off of the Reservation, the Tribe has to allow for that variance provision."*

Legislator Alegria qualified her opposition for the record as follows: *"I'm opposed, and I'm not ready to move this forward yet, people have what they can afford."*

Legislator Chevalier qualified his opposition for the record as follows: *"the motion that come forward is from 9-10-09 that's almost a year ago, and looking at the minutes here I don't really know why this was even at Governmental Affairs. This seems like an issue that Community Development would have been dealing with, and I don't think that everything was taken into consideration with respect to this issue."*

The Legislature questioned why this was held up in Legal Services since September 2009. In addition, the rules for amendments to Ordinances are supposed to be *"red-lined"* and not *"black-lined."* The conclusion was that due to the lack of Attorney's in Legal Services was the reason why Legal is behind in processing information for amending Ordinances; in addition, Legal Services was informed to bring any other Ordinances that are overdue as soon as possible.

21. 1ST Consideration of Amendment to Ordinance No. 97-13 – All-Terrain Vehicle Regulations.

MOTION BY BRUCE PECORE FOR 1ST CONSIDERATION OF AMENDMENT TO ORDINANCE NO. 97-13 ALL-TERRAIN VEHICLE REGULATIONS, AND MOVE IT TO PUBLIC HEARING ON AUGUST 19, 2010 AT 4:30 P.M. SECOND WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

22. 1ST Consideration of Amendment to Ordinance No. 09-16 – Fiscal Year 2010 Tribal Budget.

MOTION BY LISA WAUKAU TO APPROVE THE FIRST READ OF AMENDMENT TO ORDINANCE NO. 09-16 FISCAL YEAR 2010 TRIBAL BUDGET, AND SEND IT TO PUBLIC HEARING ON AUGUST 19, 2010 AT 4:30 P.M. WITH AN ATTACHED BUDGET FROM THE MIEDA BOARD. SECOND WAS MADE BY BRUCE PECORE.

Legislator Waukau pointed out that the MIEDA Board will not be spending down all of the remaining Fiscal Year 2010 dollars, but that they will be requesting the carry-over of the remaining dollars for Fiscal Year 2011 to be added to their budget allocation.

Legislator Fish requested to comment for the record that he agrees the Tribe needs to have a MIEDA Board; 2) they should have seen the budget so that they could see where MIEDA is spending their dollars; 3) although he agrees with the concept he doesn't agree with the passage of an Ordinance that didn't have a budget attached to that Organization so they can hit the road running; 4) he didn't agree without that budget you don't have a captain of the ship you don't have someone to do all the tasks and all the running for you, so we have a problem. When you say you took it to the Budget and Finance Committee well you two are the Budget and Finance Committee so you took it to yourself. The point is I would like to see a MIEDA budget come to us itemized so that we can see where the monies going to go, otherwise we're giving you a blank check to go and do whatever, and that's what we're doing. He encouraged that the MIEDA Board has a budget attached for final adoption.

THE MOTION CARRIED: 3 FOR, 2 OPPOSED (CHEVALIER & ALEGRIA), 2 ABSTENTIONS (FISH & WARRINGTON), AND 1 ABSENT (D. MILLER).

PLEASE NOTE: Legislator Chevalier qualified his opposition as follows: *"It should've had the budget attached to it, and the Budget and Finance Committee should have known."*

Legislator Alegria qualified her opposition as follows: *"Same as Randy Chevalier's."*

Legislator Fish qualified his abstention for the record as follows: *"It's a constitutional procedural issue that the budget appropriations had to be there, and it needs to be identified and that's the reason why I abstained, even though I support the concept."*

Legislator Warrington qualified her abstention as follows: *"I abstained, because of the lack of information."*

23. Final Approval of Amendment to Ordinance No. 07-17 – Legislature Elections.

MOTION BY LYNNETTE MILLER FOR FINAL APPROVAL OF AMENDMENT TO ORDINANCE NO. 07-17 LEGISLATURE ELECTIONS. SECOND WAS MADE BY MYRNA WARRINGTON.

The Legislature held discussions regarding the Public Hearing commentary that was made at the last meeting, and whether or not some of that commentary warranted being implemented into the amendment. Some didn't like changing rules in the middle of elections.

Legislator Alegria requested to comment for the record that after the polls are closed in Neopit if some of the ballots are counted and tally information is given out, is that kept confidential. She also requested that cocaine use in exchange for votes should be spelled out in the Ordinance. Everyone knows that cocaine is very dangerous and if that is used for exchange of votes, there should be a penalty that should be enhanced.

THE MOTION CARRIED: 4 FOR, 3 OPPOSED (ALEGRIA, FISH, & PECORE), 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

PLEASE NOTE: Legislator Fish qualified his opposition for the record as follows: *"there's a lot of issues here and again, it doesn't take a whole lot of ability to realize that these are genuine concerns, and I think that there's another issue that we're always operating at the last minute, and right now it's the last minute so it should have been done months ago. I'm opposed, because I think that there needs to be more changes in the Ordinance."*

Legislator Alegria qualified her opposition for the record as follows: *“two (2) incumbents made this motion and second without voting the large amount of public comment either up or down.”*

Legislator Pecore qualified his opposition as follows: *“I would have like to have seen the 8.03 (D) changed so they could request a recount, and also the limit on the days prior to election to \$10 make it the same as the day of the election where it's \$10.”*

MOTION BY LISA WAUKAU TO GO INTO EXECUTIVE SESSION FOR THE 9:00 P.M. RULE. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

Meeting recessed at 11:40 p.m.

Respectfully submitted by,

A handwritten signature in cursive script, reading "Debra A. Bowman".

Debra A. Bowman, Recorder/Transcriber
EXECUTIVE SECRETARY, CHAIRMAN'S OFFICE